

## Annual 47 C.F.R. § 64.2009(e) CPNI Certification EB Docket 06-36

CPNI Certification for 2013 covering the prior calendar year 2012

1. Date filed: January 4,, 2013
2. Name of company(s) covered by this certification: Comspan Communications, Inc.
3. Form 499 Filer ID: 822642
4. Name of signatory: Mary Roberts
5. Title of signatory: General Manager
6. Certification:

I, Mary Roberts, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. [NOTE: If you reply in the affirmative, please provide an explanation of any actions taken against data brokers.]

The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed \_\_\_\_\_

**Attachments:** Accompanying Statement explaining CPNI procedures  
Explanation of actions taken against data brokers (if applicable)  
Summary of customer complaints (if applicable)

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**1.1 Purpose of Document**

The purpose of the ComSpan CPNI Document is for the implementation and compliance to the Federal Government ruling of CPNI.

**2.1 ComSpan Communications will require all employees to comply with the CPNI rulings.**

ComSpan CSR's will validate all callers *before* offering any information or service assistance. There will be no exceptions to the rule. All customers will be validated as an authorized contact. The authorized contact may add an additional contact with verifiable information (IE: a SS# or password) at any time.

Customers Authentication can be any of the following:

If the call is customer initiated, password protection can be provided.

Customer may provide last four digits of SS # or Federal Tax ID#.

Customers entering the office, must provide a valid photo ID.

Carrier can mail call detail records to the customer's address of record.

If the customer selects to establish a password, the carrier must authenticate the customer without the use of readily available biographical information (e.g., customers social Security number, last 4 digits of SSN, mother's maiden name, home address, date of birth) or account information (e.g., telephone number associated with the account, account number, billed amount)

The password cannot be readily available biographical information.

If the password s changed, ComSpan Communications will mail a follow up notification to the customers billing address of record. (The communication will not include the new password)

**ComSpan CSR's will begin immediately collecting data from all new and existing customers. A for customer verification and enter the information into the ComSpan billing system**

3.1 FCC Ruling:

**FCC RULES ON CUSTOMER RETENTION & WINBACKS:**  
**CITES & EXCERPTS**

**Customer Proprietary Network Information (CPNI):**

Order on Reconsideration and Petitions for Forbearance, FCC 99-223, CC Docket No. 96-149; Adopted August 16, 1999; Released September 3, 1999 (CPNI)

Second Report and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd. 8061, FCC 98-27, CC Docket No. 96-115, Adopted Feb. 19, 1998; Released Feb. 26, 1998 (CPNI I)

**Slamming:**

Corrected Version, First Order on Reconsideration, FCC 00-135, CC Docket No. 94-129; Adopted April 13, 2000; Released, May 3, 2000

Second Report and Order and Further Notice of Proposed Rulemaking, FCC 98-334, CC Docket No. 94-129; Adopted December 17, 1998; Released, December 23, 1998 (Slamming)

**CUSTOMER RETENTION & VERIFICATION**

Definition

Customer retention deals with the "soon-to-be-former" customer. CPNI, ¶74. "Retention marketing . . . refers to a carrier's attempts to persuade a customer to remain with that carrier before the customer's service is switched to another provider." CPNI, ¶64.

Use of CPNI Not Allowed for Retention

Carriers cannot use CPNI<sup>1</sup> to attempt to retain a customer "during the time subsequent to the customer's placement of an order to change carriers and prior to the change actually taking place." CPNI, ¶69.

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<sup>1</sup>CPNI includes, among other things, to whom, where and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent the service is used. CPNI means the information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship. CPNI also includes information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier.



A carrier cannot “use CPNI to retain soon-to-be-former customers where the carrier gained notice of a customer’s imminent cancellation of service through the provision of carrier-to-carrier service.” CPNI, ¶76.

“[C]ompetition is harmed if *any* carrier uses carrier-to-carrier information, *such as switch or PIC orders*, to trigger retention marketing campaigns.” CPNI, ¶76 (emphasis added).

Carrier change information is proprietary. CPNI, ¶77. The carrier executing a change is “prohibited from using such information to attempt to change the subscriber’s decision to switch to another carrier.” *Id.* (citing Slamming, ¶106). “Thus, where a carrier exploits advance notice of a customer change by virtue of its status as the underlying network-facilities or service provider to market to that customer, it does so in violation of” the law. CPNI, ¶77.

Verification Not Allowed: “Interference with the Execution Process”

“[P]ermitting executing carriers to verify independently carrier changes that have already been verified by submitting carriers could have anticompetitive effects. . . . [E]xecuting carriers would have both the incentive and the ability to delay or deny carrier changes, using verification *as an excuse*, in order to benefit themselves or their affiliates. . . . Therefore, . . . the executing carrier may *only* use such information to provide service to the submitting carrier, i.e., changing the subscriber’s carrier, and *may not attempt to verify* that subscriber’s decision to change carriers.” Slamming, ¶99 (emphasis added); *see also* CPNI, ¶83.

“An executing carrier shall not verify the submission of a change in a subscriber’s selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures prescribed in this part shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.” Slamming, 64.1120(a)(2).

“[W]e require carriers to provide parity in executing carrier changes for competitors and promptness in executing carrier changes generally.” Slamming, ¶103.

“[W]e expect carriers to fulfill subscriber requests as quickly as possible, using the most technologically efficient means available to implement changes to subscribers’ telecommunications services. Noncompliance with this standard could be considered unreasonable delay.” Slamming, ¶105.

“A party that believes that a carrier is delaying execution of carrier changes . . . should file a complaint in the appropriate forum.” Slamming, ¶103.

“[A] carrier’s failure to disclose CPNI to a competing carrier that seeks to initiate service to a customer who wishes to subscribe to a competing carrier’s service may well constitute an unreasonable practice in violation of section 201(b), depending on the circumstances.” CPNI, ¶89.

## WINBACK/REGAINING OF CUSTOMER

### Definition

“Regaining a customer applies to marketing situations where a customer has *already switched to and is receiving service* from another provider.” CPNI, ¶64 (emphasis added).

### When Allowed

Carriers are “able to use CPNI to engage in winback marketing campaigns to target valued former customers that have switched to other carriers.” CPNI, ¶65.

“Customers expect carriers to attempt to win back their business by offering better-tailored service packages, and that such precise tailoring is most effectively achieved through the use of CPNI.” CPNI, ¶68.

### When Limited

Carriers may use CPNI of former customers “*to market the same category of service* from which CPNI was obtained to that former customer.” CPNI, ¶65 (emphasis added). “Customers expect that CPNI generated from their entire service will be used by their carrier to market improved service within the parameters of the customer-carrier relationship. . . . Under the total services approach, the customer’s implied approval is limited to the parameters of the customer’s” *same category of service*. CPNI I, ¶24, as modified by CPNI ¶67.

“An important limitation . . . is that the carrier may use CPNI of the former customer to offer that customer *the service or services to which the customer previously subscribed*. It would be inconsistent with the *total services approach* for a carrier to use such CPNI to offer new services outside the former customer-carrier relationship.” CPNI, ¶72 (emphasis added).

“Under the total service approach, for example, a carrier whose customer subscribes to service that includes a combination of local and CMRS would be able to use CPNI derived from this entire service *to market to that customer all related offerings, but not to market long distance service to that customer*, because the customer’s service excludes any long distance component. Thus, under the total service approach, the carrier’s permitted use of CPNI reflects the level of service subscribed to by the customer from the carrier.” CPNI I, ¶30 (emphasis added)